

REMARKS

Claims 1, 13 and 25 have been amended.

The Examiner has rejected applicant's claims 1 and 13 under 35 U.S.C. §102(b) as being anticipated by the Fukushima, et al. (US 6,253,023) patent. The Examiner has also rejected applicant's claims 5, 6, 17, 18, 25, 29 and 30 under 35 U.S.C. §103(a) as being unpatentable over the Fukushima, et al. patent. With respect to applicant's independent claims 1, 13 and 25, and their respective dependent claims, the Examiner's rejections are respectfully traversed.

Applicants' independent claims 1, 13 and 25 have been amended to more clearly define the present invention. Independent claim 1 is directed to an electronic still camera capable of storing in one directory a predetermined number of image files each of which is formed from data of a picked up image in which a selection unit selects a desired image pickup mode from among a plurality of kinds of image pickup modes, and a control unit which, when the image pickup mode selected by the selection unit is a predetermined image pickup mode, allows to store the image files in a current directory even if the number of image files stored in the current directory exceeds the predetermined number, and when the image pickup mode selected by the selection unit is another mode, forbids to store the image files which exceed the predetermined number in the current directory. Applicant's claim 1 has been further amended to recite that the predetermined number of image files is each formed from data picked up by an image pickup unit in accordance with the operation of image-pickup start direction member. Applicant's independent method and medium claims 13 and 25 have been similarly amended.

Such a construction is not believed to be taught or suggested by the cited art of record.

More particularly, the Examiner has argued as follows with respect to the Fukushima, et al.

patent:

"... Fukushima, et al. discloses an electronic still camera (Figure 1) capable of storing in one directory a predetermined number of image files each of which is formed from data of an image picked up by an image pickup means, the electronic still camera comprising a selection unit which selects a desired image pickup mode from a plurality of kinds of image pickup modes (column 12, lines 46-51) and a control unit which, when the image pickup mode selected by the selection unit is a predetermined image pickup mode (i.e. a write allowing mode) allows to store the image files in a current directory even if the number of image files stored in the current directory exceeds the predetermined number, and when the image pickup mode selected by the selection unit is another mode (i.e. a write prohibiting mode), forbids to store the image files which exceed the predetermined number in the current directory. The office notes that the predetermined number in the system of Fukushima, et al. is the number of image files which are present on the memory card prior to the initiation of an image pickup process, and when writing is allowed (i.e. a write allowing mode) the camera will not prevent the storage of a number images which exceed the predetermined number, and when writing is prohibited (i.e. a write prohibiting mode) the camera forbids storage of any additional images, thereby limiting the storage to not exceed the predetermined number of images."

Applicant disagrees with the Examiner's above interpretation of the Fukushima, et al. patent. In the first place, while the Examiner notes FIG. 1 in the Fukushima, et al. patent, the description in column 12, lines 46-51, of the patent refers to the embodiment shown in FIG. 3. In the discussion of the FIG. 3 embodiment (see, columns 10-13 of the Fukushima, et al. patent), the patent describes three different image pickup modes, i.e., three different modes or ways in which an image is picked-up. In particular, the patent mentions a single-shooting recording (S) mode, a continuous-shooting recording (C) mode and a self-timer photography recording mode,

all selectable by a shooting-recording-mode selecting switch 1066. However, the description of the FIG. 3 embodiment contains no teaching or suggestion that the selection of any of these image pickup modes is such that, in a predetermined mode, the storage of image files in a current directory is allowed even if the number of image files stored in the current directory exceeds a predetermined number of files, and, in another mode, the storage of image files in a current directory is inhibited if the predetermined number is exceeded.

Moreover, the description in lines 46-51 of column 12, of the patent concerns the memory card 1100 used in the FIG. 3 embodiment. As discussed, this memory card can, with a switch, be placed in a write inhibition state in which data cannot be written into the memory. If the memory is placed in this state, the user of the camera is warned with a display and the operation of the camera returns to an initial state (see, column 15, lines 7-12, of the Fukushima, et al. patent). The operation of the switch thus does not determine the manner in which an image is picked-up, but rather the status of the availability of the memory, and to characterize the switch operation as defining different image pickup modes is believed to be an incorrect interpretation of the patent.

Additionally, the state of inhibiting or allowing the storing of data in the image memory depends only upon the user operating the switch and there is no teaching or suggestion in the patent that it depend on the image pickup mode and upon a predetermined number of files being stored in the directory. The Examiner's argument that the "office" interprets the "predetermined number of files" as the files currently stored prior to initiation of an image pickup process, it also believed to be without merit and pays no attention to the word predetermined. Moreover, the allowing or inhibiting of storage, as above-mentioned, is based on the user, and there is no teaching or suggestion that it be based on the number of files currently stored, let alone a predetermined number of files. Finally, the predetermined number of files in applicant's

invention are files resulting from operation of the image pickup unit in accordance with the operation of image-pickup start direction member. The Examiner has argued, on the other hand, that the predetermined number in the system of Fukushima, et al. patent, as interpreted by the Examiner, is the number of image files which are present on the memory card prior to the initiation of an image pickup process.

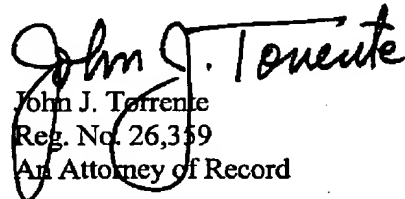
For all the above reasons, it is submitted that applicant's claims 1, 13 and 25, and their respective dependent claims, patentably distinguish over the Fukushima, et al. patent.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the state of the art and the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: July 23, 2004

Respectfully submitted,

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